

NOTICE OF RULE ADOPTION – FINAL RULE

STATE OF MISSISSIPPI  
MS State Department of Health



MS State Department of Health  
c/o Donald E. Eicher, III  
P. O. Box 1700  
Jackson, MS 39215-1700

Telephone Number  
(601)-576-7874

Email Address  
Don.Eicher@msdh.state.ms.us

Date Rule Proposed: June 11, 2008  
Date Rule Adopted: July 9, 2008

Specific Legal Authority Authorizing the promulgation  
of Rule: Mississippi Code Section 41-7-185 (g)

Reference to Rules repealed, amended or suspended by  
the Final Rule:  
Mississippi State Department of Health – FY 2009  
Mississippi State Health Plan

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:** Revisions of the FY 2009 Mississippi State Health Plan to update statistical data for health care facilities and services and other information concerning health care issues. Further this includes changes to Revision of General CON Policies, Long-Term Care Chapter (bed need formula), Acute Care Chapter; Magnetic Resonance Imaging (MRI) Equipment and Services (need formula), Positron Emission Tomography (PET) Services (need criteria and standards), and Radiation Therapy Services (revise criteria and standards).

The Agency Rule Making Record for this rule including any written comment(s) received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☒ An oral proceeding was held on this rule:  
Date: 07/02/2008  
Time: 10:00 a.m.  
Place: Mississippi State Department of Health, Cobb Auditorium, Osborne Building, 570 E. Woodrow Wilson, Jackson, Mississippi 39215

☐ An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and:

- ☐ This rule as adopted is without variance from the proposed rule.
- ☐ This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.
- ☒ This rule as adopted differs from the proposed rule and all of the following apply:
- The differences are within the scope of the matter in the notice of proposed rule adoption,
  - The differences are a logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
  - The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Final Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: August 11, 2008

Donald E. Eicher, III, Director of Office of Health Policy and Planning  
Printed Name/Title of Person Submitting Rule for Filing

  
Signature